

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-829-RJC-DCK**

JODY BIERD,)	
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
BOY SCOUTS OF AMERICA,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant Boy Scouts of America's ("BSA") Motion for Summary Judgment, (Doc. No. 7).

Plaintiff filed a Complaint in state court on February 27, 2012, alleging claims against BSA for Wrongful Termination and Violation of the Retaliatory Employment Discrimination Act. (Id. at ¶¶123-134).¹ BSA removed the action to this Court on December 13, 2012, (Doc. No. 1). Once in Federal Court, the parties failed to comply with Local Rule 16.1 and conduct an initial attorneys' conference. Local Rule 16.1(E) states as follows:

In a removed or transferred case in which issues joined prior to removal or transfer, the parties shall conduct an Initial Attorneys Conference ("IAC") in this district and file the Certificate of Initial Attorneys Conference ("CIAC") within [21 days]. The time for doing so shall be measured from the date the removed or transferred action is filed in this district.

The parties should have filed the Certificate of Initial Attorneys Conference within 21 days of removal. Instead, BSA filed a Motion for Summary Judgment on February 1, 2013, (Doc. No. 7). Plaintiff responded on February 25, 2013, (Doc. No. 11), arguing principally that she could

¹ Plaintiff initially filed claims for Defamation against BSA, Timmons, Barnes and Ashline but she dismissed those claims without prejudice on December 6, 2012. See (Doc. No. 1-18).

not adequately respond to BSA's Motion because BSA failed and refused to produce responsive documents, including email communications. See generally (Doc. Nos. 11; 12). BSA replied on March 7, 2013, (Doc. No. 13).

The Court finds that BSA's Motion for Summary Judgment is premature. The parties shall comply with Local Rule 16 and conduct an Initial Attorney's Conference within fourteen (14) days of the entry of this Order. The parties shall file the Certificate of Initial Attorneys Conference within seven (7) days of their conference.

IT IS, THEREFORE, ORDERED that:

1. Defendant's Motion for Summary Judgment, (Doc. No. 7), is **DENIED without prejudice**; and
2. Pursuant to Local Rule 16.1, the parties or their counsel shall confer as provided by Fed. R. Civ. P. 26(f), and conduct an Initial Attorney's Conference within **fourteen (14) days** of the entry of this Order. See also FED. R. CIV. P. 16(b), 26(f). Within **seven (7) days** of the Initial Attorney's Conference, the parties shall complete and file the Certification of Initial Attorney's Conference, which shall include a proposed discovery plan.

Signed: May 7, 2013



Robert J. Conrad, Jr.
Chief United States District Judge
